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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David L. Rimm et al

Docket No.: H-1296(4)

Serial No.: 10/042,016

Group: 1641

Filed: January 10, 2002

Examiner: C. Chin

For: "Method for the Detection, Identification, Enumeration and Confirmation of Virally Infected and Other Epitopically Defined Cells in Whole Blood"

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This is responsive to the Official Office Action dated September 10, 2004. The Examiner has issued a restriction requirement which identifies what he views as three different inventions covered by Claims 1-16.

The first invention is defined by Claims 1-10 and 14-16. The second invention is defined by Claims 11 and 12. The third invention is defined by Claim 13.

Applicants elect to prosecute the invention defined by Claims 1-10 and 14-16 (Group 1). This election is made without traverse. Applicants hereby withdraw Claims 11-13 from further consideration at this time.

The Examiner has further requested Applicants to elect a species of viruses recited in the elected set of claims. In response to this election request, Applicants hereby elect the species recited in Claim 3, the HIV-1 virus. This election is also made without traverse.

The Examiner has requested a listing of all claims which are readable on the elected species. Other than the generic claims which the Examiner has identified, the only species claim that is readable on the elected HIV-1 species is Claim 3.

We trust that the above is fully responsive to the requirements put forth by the Examiner in the office action, and that prosecution of this application can proceed. A listing of the present status of all of the claims in this application is enclosed herewith.

Respectfully submitted,

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